

REMARKS

Claims 1-2 and 4-18 are currently pending in the application. Applicants have canceled claim 3 and amended claims 1-2 and 4-5. Applicants request reconsideration of the application in light of the following remarks.

Telephone Interview

Applicant's attorney wishes to thank the Examiner for his courtesy and time during a telephone interview that was held on December 14, 2004. The Examiner's comments and insight were very helpful in preparing this response. It is hoped that the comments below reflect the spirit of the interview.

Rejections under 35 U.S.C. §112

Claims 2-5 stand rejected by the Examiner under 35 U.S.C. 112. In accordance with this rejection, the claims have been amended to comply with the examiner's suggestions and are now believed to conform with Section 112. Applicants respectfully request that the rejection of claims 2-5 under 35 U.S.C. § 112 be withdrawn.

Rejections under 35 U.S.C. §103

To establish a *prima facie* case of obviousness under 35 U.S.C. §103, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Third, the cited prior art reference must teach or suggest all of the claim limitations. Furthermore, the suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based upon

the Applicants' disclosure. A failure to meet any one of these criteria is a failure to establish a *prima facie* case of obviousness. MPEP §2143.

Claims

Claims 1, 2, 6 and 11 were rejected by the Examiner under 35 U.S.C. § 103(a) as being unpatentable over Elliot et al. (U.S. Patent No. 6,155,324, hereinafter "Elliot"), in light of Sisselman et al. (U.S. Patent No. 5,568,129, hereinafter "Sisselman"). Applicants respectfully traverse this rejection and request reconsideration of the claims. In particular, the matter of claim 3 that was indicated as allowable has been incorporated into independent claim 1 so that claim 1 is now considered to be allowable.

With regard to claim 2, the matter of both claim 1 and allowable claim 3 have been incorporated into claim 2. Therefore, claim 2 is considered to be allowable.

Claims 6 and 11 are considered to be allowable as depending from an allowable base claim and for additional patentable details therein as may be appreciated by the Examiner.

Claims 7, 8, 10, and 13-18 were rejected by the Examiner under 35 U.S.C. § 103(a) as being unpatentable over Elliot et al. (U.S. Patent No. 6,155,324, hereinafter "Elliot"), in view of Sisselman et al. (U.S. Patent No. 5,568,129, hereinafter "Sisselman") and further in view of Crimmins (U.S. Patent No. 6,014,307, hereinafter "Crimmins"). Applicant respectfully traverses this rejection and request reconsideration of the claims. In particular, the matter of claim 3 that was indicated as allowable has been incorporated into independent claim 1 so that claim 1 is now considered to be allowable.

Claims 7, 8, 10, and 13-18 are considered to be allowable as depending from allowable base claims and for additional patentable details therein as may be appreciated by the Examiner.

Claim 9 was rejected by the Examiner under 35 U.S.C. § 103(a) as being unpatentable over Elliot et al. (U.S. Patent No. 6,155,324, hereinafter "Elliot"), in view of Sisselman et al.

(U.S. Patent No. 5,568,129, hereinafter “Sisselman”) and further in view of Campman (U.S. Patent No. 3,803,572, hereinafter “Campman”) . Applicant respectfully traverses this rejection and request reconsideration of the claims. In particular, the matter of claim 3 that was indicated as allowable has been incorporated into independent claim 1 so that claim 1 is now considered to be allowable.

Claims 9 is considered to be allowable as depending from allowable base claims and for additional patentable details therein as may be appreciated by the Examiner.

Claim 12 was rejected by the Examiner under 35 U.S.C. § 103(a) as being unpatentable over Elliot et al. (U.S. Patent No. 6,155,324, hereinafter “Elliot”), in view of Sisselman et al. (U.S. Patent No. 5,568,129, hereinafter “Sisselman”) and further in view of Asagi et al. (U.S. Patent No. 4,671,397, hereinafter “Asagi”). Applicant respectfully traverses this rejection and request reconsideration of the claims. In particular, the matter of claim 3 that was indicated as allowable has been incorporated into independent claim 1 so that claim 1 is now considered to be allowable.

Claim 12 is considered to be allowable as depending from allowable base claims and for additional patentable details therein as may be appreciated by the Examiner.

Applicants respectfully request that the obviousness rejections of claims 1-2 and 6-18 be withdrawn.

Indication of Allowable Subject Matter

The Examiner indicated the allowability of the scope and subject matter of claims 3-4, but objected to the form of the claims, they being dependent upon a rejected base claim. Applicants wish to thank the Examiner for this indication of allowable subject matter. The Examiner also rejected claim 5 for indefiniteness. Claim 1 has been amended to incorporate the allowable matter of claim 3, and 4-5 have been amended herein to depend from

allowable claim 1, and are therefore allowable. Claim 3 was canceled since the matter of claim 3 has been incorporated into independent claim 1.

Regarding Doctrine of Equivalents

Applicants hereby declare that any amendments herein that are not specifically made for the purpose of patentability are made for other purposes, such as clarification, and that no such changes shall be construed as limiting the scope of the claims or the application of the Doctrine of Equivalents.

CONCLUSION


Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

The amendments herein added one new independent claim for a total of two independent claims now pending in the application, resulting in no additional fees due.

If any fees, including extension of time fees or additional claims fees, are due as a result of this response, please charge Deposit Account No. 19-0513. This authorization is intended to act as a constructive petition for an extension of time, should an extension of time be needed as a result of this response. The examiner is invited to telephone the undersigned if this would in any way advance the prosecution of this case.

Respectfully submitted,

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